Previous references. 1896-7
191
(Sep. Revenue.

File No. 23-(96-7)
Serial Nos. 1-4.

Later references.

(11)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

Major ~~Part~~ B. for August 97.

SUBJECT

Acquisition of land containing date trees in the Mainmekole Village, Chittakere Taluk.

Sl. From, the Ex. Commr.
Dy. No. 6238/Ex 342. L. No. 4808/335 & 18.3.97.

Submits copy of communication from, the D.C. Chittaldroog, together with the file of revenue records, & with received & recommends the resumption of the land therein referred to, inclusion in the list of date Revenue.

G. R. S. 58

GPB—4,000—4-7-11

2. To, the Ex Commr
in the D. C. Chitfield
No 10899-900 £116.6.9
Ex C 396
Instructs to explai
deeds to accord with the
execution of agreement
of the assessment pai
788-894 requires the D.
on the completion of th

From, the Ex Com
Dy. No 1316; L. No 1508
Ex 84 74
Requests that the recei
Receivers submitted e
L. No 4808 £18.3.77 on
335
acknowledged, on the D. C.
urgents them for regis

1. To, the Ex Com
No 2052. £23.8
Ex 73
Returns the W. pap
as requested.

Dental. Jan Thom

For orders

~~OFFICE~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

Sl
n

OFFICE NOTE.

SUBJECT. Resumption of certain land containing Date trees in the Chitaldroog Dt.

LAST REFERENCE. Letter No. ~~1808~~ 335 dated 18th March 1897 from ~~the Excise Commissioner Mysore~~.

In 1888, Survey No: 26 of the Mannekote village in the Challakere Taluk was applied for for cultivation purposes. After issue of a notice, it was sold in public auction to the Dalkhastdar Veera-bhadriah for Re 1/-. The date trees on the land — which numbered 103 in all (i.e. 3 old trees unfit for tapping, 50 trees fit for tapping and 50 small ones) — were reserved to Govt: since its occupancy, the land has not been cultivated. In October 95, the land owner asked for a Takavi advance of Rs 200/- for constructing a Sagwali

Papers Nos: (10) and (7) on the Cowaree file

No: (8).

No: (1)

agwali Katte on the land in question.
y that time the whole land had been over-
grown with date trees. The occupant also
freed to pay the ~~cost~~ value viz Rs 20/- of trees that would
one within the watershed of the proposed
atte ~~as and thus become destroyed, which~~
~~cost was estimated at Rs 20~~. The Deputy
Commr then wrote that all the date trees
on the land should be made over to the
occupant on payment of the estimated
cost thereof and if he ~~has~~ refused to pay
uch cost and take over the trees, he would
ave to relinquish the land. The Deputy
Commr even asked the Amildar to report
which of the alternatives the occupant
ould choose. The latter has in his turn
eposed before the Amildar that as the land
which had been left untilled since
ccupancy — has been overgrown with
large number of date trees, he is unable
pay for all the trees now standing on it;
at that he would willingly bear the ~~cost~~
stimated cost of the trees (103 as above)
hat were reserved to Govt: when the land
as given to him for cultivation. Both

No: (3)
No (2)
No (2)
No (6)

the

Letter under adverting.

The Deputy Commissioner and the Excise Commissioner have recommended the re-sumption of the land: the latter on the ground that the advent of the tree tax system would bring in a revenue of Rs 159-6-0 per annum from the land in question. The land measures 24 acres and bears an assessment of Rs 5/-. It now contains 300 mature trees fit for tapping, 200 that would become fit within 3 years and 300 young plants — 800 in all. The land does not appear to have been included in the lists of State reserves.

2. The point for consideration is how and on what authority the resump-tion of the land once granted for cult-vation purposes with the reservation of the trees then standing thereon could be ordered without any violation on the part of the occupant of the conditions of the grant. The only course left appears to be to take up the land on payment of a reasonable compensation to the occupant who has been paying assess-ment thereon to Govt: without any ad-vantage to himself, though by his action

Please see the Cuttalitha paper No: (9).

diaction, the number of Toddy trees on the land has increased from 103 to 800. If the occupant does not come to reasonable terms, and if "improvement of Toddy Revenue" comes under the definition "public purpose", then the Excise department may acquire the same under the "Land Acquisition Act". Supposing such acquisition is inconvenient, the question will be whether cultivation can be permitted with the same restriction as at present of reserving the trees to Govt: This may not now be feasible as the land contains about 34 trees per acre and as clandestine destruction of trees is not easy to prevent. Besides the growth being spontaneous, and the plants ~~new~~ numerous, the surface soil will naturally be flushed with roots of young plants, which may be cut across by the coulter of the plough and may destroy young plants. If, therefore, the present arrangements are not to continue, the next question will be whether the occupant should pay the price of all the trees

OV

or only of the 103 that were reserved at the time of granting the land.

Submitted for orders.

22/4/97

Ruled as 3rd Cr.

It was a mistake to have granted this land for cultivation - Mere preservation of date trees does not suffice. There is always the danger of existing trees gradually reclaimed, destroyed, & fresh ground thereby encroached -

Summary procedure is not possible, since the grant was not a temporary conditional one - The man had one duffel at the time of grant & has since 1888/89 been paying Kandayan at Rs one per annum. Acquisition of the land must be authorized -

30/4/97

Rs - vide Umarkh 30/4/97 on the Margin and with the Govt

30-4-97

Re Sic: Sir, I am directed to warn his subordinates to work diligently during searching enquiries

30-4-57

Deputy Registrar

~~Deputy~~

30/4/57

[illegible]

SECTION S. B.

From

FILE NO. 93-(86-7) The Excise Commissioner in Mysore

S[illegible] No. 1

To

189 6238 & 342

DEWAN'S

The Secretary to Govt. of Mysore.
General and Revenue Depts

Dated 18th
Despatched 20th March 1897
Received
General No. 1808
No. 335
Enclosure No. 1 file

~~In reply to~~

SUBJECT.

Submits copy of communication from the Deputy Commissioner Chitaldroog District together with the file of vernacular papers therewith received and recommends the resumption of the land therein referred to and inclusion in the list of Date Reserves.

References (to be entered only in the Dewan's Office.)

Rev 20/3/97

Ecd

Submitted with Office note.

22/4/97

Excise Commissioner's Office

No 4808/335 Bangalore, dated 18th March 1897

From

The Excise Commissioner
in Mysore.

To

The Secretary to the
Government of Mysore.
General and Revenue Department

Sir,

In submitting herewith copy of letter No. 749/10, dated the 12th instant, from the Deputy Commissioner, Chitaldrug District together with the vernacular papers therewith received, I have the honor to state that the grant of the Survey number 26 therein referred to, measuring 24 acres, and assessed at Rs 5, for cultivation in the year 1888-89 was inadvisable even though the right to the date trees standing thereon was reserved to Government. The Deputy Commissioner reports that the land has not been

been cultivated ever since the grant and it now contains 300 date trees fit for tapping, 200 to become fit in about three years and 300 young plants. By permitting the existing 300 mature trees to be tapped every alternate year, the Government will derive annually the tree-tax of Rs 159-6-0 including local cess at Rs 1-1-0 per tree, while the assessment of the land is only Rs 5 per annum. There is a great demand for Toddy in the Chellekere taluk from the Bellary district, in addition to the local demand and also from the adjoining taluks of Molakalmuru, Savagada and Hiriyur.

2. Under the circumstances represented by the Deputy Commissioner, I beg to recommend the resumption of the land and inclusion of the same in the list of "Date Reserves."

I have the honor to be,
Sir,
Your most obedient servant
P. Srinivasa
Excise Commissioner
in Mysore

No 749/10

Enc: one file of Vernacular papers

Deputy Commissioner's Office
Chitaldroog District
Camp Hosadrug, 12th March 1897

Enclosure to G.O. 1

To
The Excise Commissioner
in Mysore

Sir,

In forwarding herewith for information Chellakere Taluk Amildar's report No 802, dated 15th instant together with its enclosures I have the honor to state that Survey No 26 of the Manne Kote village of the Taluk Hobli, which is in the holding of Patel Veerabhadrappa of that village was obtained by him by means of a Darkhast in the year 1888-89.

2 At the time of Sale, the toddy trees standing on it were entirely reserved to Government, and the land was purchased by the present occupant for one rupee.

3. Ever since, the land has not been cultivated and the occupant has now applied for a loan of Rs 200 for constructing a Sagwali Katte in it.

4

4. The Amildar reports that there are at present nearly 800 date trees in the number as follows.

300 fit for tapping
200 to become fit in about 3 years
300 young plants.

5. It is also reported that the occupant is willing to offer the price of the trees standing in the portion in which the proposed Katte is to be constructed

6. I consider that it is inadvisable to allow the land to remain in the occupants possession any longer and beg to suggest that the Government may be moved to sanction its resumption, the entire number being reserved as a Toddy grove.

I have &c
(Signed) M. S. Narayen Row
Deputy Commissioner

"Copy"

M Krishna
Excise Commissioner
in Mysore

SECTION S. Records & Accounts 6

FILE No. 23-96

SUB No. 2

(2)

Read:—

Letter No 4808/335 dated 18th March 1897 from the Excise Commissioner in Mysore recommending the resumption of Survey No 26 of the Manmekote Village in the Chellakere Taluk measuring 24 acres and bearing an assessment of Rs 5/- on the ground of its containing a large number of Date trees.

No 10844-845 8/6/97
Ex: 393
10899-900 8/16/97
Ex: 396.

Order thereon.—

Government observe that Summary resumption of the land in question in the manner proposed by both the Dt Commissioner and the Excise Commissioner is not possible, as the grant was not a temporary one, and there has been no violation of conditions.

But one of the conditions of the grant being that the Toddy trees on the land should not be cut, it ~~is~~ may not nor be possible for the occupant to cultivate the land which contains 800 trees ~~in all~~ or 34 trees per acre. If this condition is, strictly ~~enforced~~ enforced, it is not unlikely that the occupant would give his consent to part with the land ~~which~~ on payment to him of the price of the land and the assessment that he has paid from 1888-89.

The Dy Commissioner is ~~requested~~ requested accordingly to arrange for the acquisition of the land in question ~~before~~ before resorting to the provisions of the Land acquisition Regulations.

2. The Excise Commissioner's attention is invited to para 2 of Government Pro: No 10890-8 Ex 395 16th June 1897

But a strict enforcement of the condition that date trees should not be cut will prevent the occupant from cultivating the land, and is therefore likely to induce him to part with it of his own accord, if the facts are properly explained to him, on payment of its price and of the assessment paid since 1888-89.

Sl 3 of S.R.T.P.4 (16-7)

and he is requested to institute searching enquiries as to whether there are similar cases in any of the Districts and report the result for the orders of Government.

5/6/97

2/6/97
Secretary.

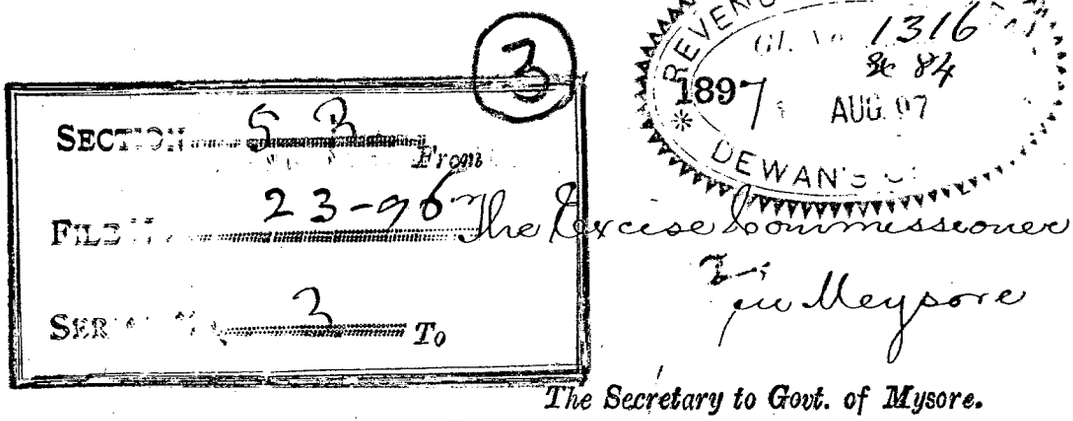
2/6/97

This may also be printed, as it would form a precedent in such cases.

Chinese Papers
I Chowk C

To the Excise Commissioner in Mysore.
Dr Honnur Chitaldroog &c.

7/6/97



SECTION 5 B From

FILE 23-96

SER 3 To

3

The Excise Commissioner
for Mysore

The Secretary to Govt. of Mysore.
General and Revenue Depts.

Dated 14th August 1897.

Despatched 14th Do

Received

General No. 1508

No. 74

Enclosure No.

In reply to

SUBJECT.

Requests that the vernacular papers submitted with letter No. 4808/335, dated 18th March 1897 may be returned, as the Deputy Commissioner Bellary drug District wants them for reference.

References (to be entered only in the Dewan's Office.)

Rev 1678.97

X

Sd/- Illegible

17/8/97

10

No. 1508/74

Excise Commissioner's Office
Bangalore dated 14th August 1897.

From.

The Excise Commissioner
in Mysore

To.

The Secretary to the
Government of Mysore
General and Revenue Departments.

Sir,

I have the honor to request that the vernacular papers submitted with my letter No. 4808/335, dated 18th March 1897, may be returned, as the Deputy Commissioner Chitaldrug District wants them for reference in connection with the proposed resumption of Survey No. 26 of Mannekote village, Chellakere taluk, and alluded to in Government Proceedings No. 10899-900/Ex 396, dated 16th June 1897.

I have the honor to be
Sir,
Your most obedient servant,

M Krishna

Excise Commissioner
in Mysore.

Sd for a/cs 11

(4)

SECTION S. R.

FILE No. 23-96

SUB No. 4

The Excise Comt in Mysore

2052

W.P.

23 Aug 97

Ex 73. 23.

His letter No. 1508/74 dt 14 August 97 requesting the return of the vernacular papers submitted with his No. 4808/335 dt 18 March 1897 in connection with the resumption Survey No 26 of the Mannekote Village, Chellakere Taluk on the Grounds of its containing a large No. of Date trees.

Has the honor to return the papers as requested in the above

By order

17/8/97

for Secretary

17/8/97